

CITY COUNCIL MINUTES

A Regular Meeting of the City Council of the City of Pearsall, Texas will be held on Tuesday, September 10, 2024, at 6:00 PM at the Pearsall City Hall, 214 South Ash Street, Pearsall, Texas.

"In accordance with TEX. GOV'T CODE § 551.127, please be advised that members of the governing body may participate in a meeting via video conference call. A quorum of the city governing body will be present at the posted physical location of the meeting."

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Webinar ID: 861 6670 5855

1. Call To Order

Mayor Ben T. Briscoe called the meeting to order at 6:00 PM.

2. Roll Call and Announcement of Quorum

Council Members Present: Mayor Ben T. Briscoe, Council Member Ramiro Trevino, Council Member Aurora Garza, Council Member Brenda Trevino, Council Member Sonia Hernandez, Council Member Racheal Garza

Council Members Absent: Council Member Tiffany Talamantes, Mayor Pro Tem James Leal,

Staff Present: City Manager Federico Reyes, Assistant City Manager/Community Development Director Yolanda Moran, City Clerk Krystal Garcia, Chief of Police Daniel Flores, City Attorney Bobby Maldonado via Zoom, HR Manager Raquel Yanez, Public Works Director Hector Gandara, Public Information Officer Bianca Ramirez

3. Invocation And Pledge of Allegiance

Mayor Ben T. Briscoe led the invocation. Pledge of Allegiance led by all present.

4. Citizens To Be Heard

None

5. Mayor's Message and Staff Reports

5.A Police Department Reports - D. Flores, Chief of Police

- August 2024 Council Report
- August 2024 Narcotics Report
- August 2024 Refusal Report
- August 2024 ACO Report

Chief Flores compared statistics from July 2024 and August 2024. Lt. Nathaniel Ximenez reviewed information submitted to the DA. He stated YTD 114 felony cases had been filed but only 50 had been sent to the DA. Of the 114 cases, 61 were drug related. He stated the reason why cases take a while to get submitted to the DA is because the office will not receive cases with lab results included. He added the state lab takes 9-12 months to receive results because the service the entire State of Texas. He informed the council the department could utilize a private lab but the cost would be \$3000+ and would still take 3-6 months to process. He added the department and DA want justice for victims but it's a long process due to the lab results taking long.

5.B Public Works Department Report - Hector Gandara, Public Works Director

Hector Gandara, Public Works Director informed the council the report reflects calls and walk-ins from the public. Council Member Sonia Hernandez inquired how often the city flushes. Mr. Gandara stated due to complaints from citizens, the city is holding back but TCEQ requires it to be done annually.

5.C Finance Report - Alex Izarraras, Business Manager

Alex Izarraras, Business Manager read the Finance Report provided by Christine Greene, Finance Director.

5.D Community Development Reports- Yolanda Moran, Assistant City Manager/Community Development Director

Yolanda Moran, Assistant City Manager/Community Development Director reviewed her departments' reports – Building Permits, Library, and Community Development. Mr. Cano Esquivel reviewed his Code Enforcement report. Mrs. Moran introduced Sarah DelToro during the Library report after announcing the Texas State Archive gave the Pearsall Public Library accreditation.

5.E Municipal Court Reports - Municipal Court Judge Nicolas DeLeon

Municipal Court Judge Nicolas DeLeon reviewed a new arraignment report requested by the Mayor. The report reflected the week he was on call to magistrate as well as the OCA statistic report. Mayor Ben T. Briscoe asked why truancy was not included. City attorney Denise Martinez stated the report is for August and school is not active during the summer so there aren't any new truancy cases.

6. Presentations

6.A Presentation regarding the financial performance, operation and future challenges of the City of Pearsall Gas System - Fred Reyes, City Manager and Staff

Fred Reyes, City Manager stated Hector Gandara, Krystal Garcia, Rudy Carrizales, Yomeida Carrizales and Alex Izarraras provided information for the presentation. He provided an overview of the system to include the system being established in 1947 and West Texas Gas began supplying the city with natural gas in 2008. He informed the council the system contains 45.7 miles of gas infrastructure to include steel, plastic pvc, plastic pe and plastic abs. He reviewed the number of customers from 2007 (7544)- the present day (776). He

displayed the cost of the gas purchased and how much consumption has been billed since 2021. He added the regulatory requirements that falls on the city to maintain compliance at the state and federal levels. Mayor Ben T. Briscoe stated he would be asking the City Manager and City Attorney to place the item on the October agenda. Council Member Ramiro Trevino stated the public needs to be informed of the information to show the system does not work from a financial standpoint. Mayor Ben T. Briscoe stated other entities have showed interest in the system and the has service is not going away. Mr. Reyes informed the council he would be reaching out to Mr. Simon Peña regarding the election process as he has assisted other entities with it.

6.B Presentation on Union Pacific Railroad Demolition Project - Code Enforcement Officer, Cano Esquivel

Code Enforcement Officer, Cano Esquivel informed the council of the process it took to get in contact with individuals from Union Pacific regarding the outstanding issues with the property. He stated 5 buildings will be involved in the project and added vagrants are utilizing the property as a residence and a location for possible illegal activity. He stated accruing to the contractor, Priority One, the anticipated start date is set for September 16, 2024 and will be completed by September 20, 2024. Fred Reyes, City Manager informed the Council 2 communities have utilized such right of ways as walking trails or community areas. Council Member Aurora Garza inquired if staff has thought about the homeless crisis because the new area may just attract the homeless to stay in the area. Mr. Esquivel stated Camino Real will do their part on the issue.

7. Public Hearing

7.A Open Public Hearing

7.B On the City of Pearsall's Proposed Annual Appropriations Budget for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025

Mayor Ben T. Briscoe opened the Public Hearing at 8:05 PM. He called for public comment, twice. No public comment made.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$211,538 OR 7.24%, AND OF THAT AMOUNT, \$37,008 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

7.C Close Public Hearing

Mayor Ben T. Briscoe closed the Public Hearing at 8:06 PM.

8. Action to Consent Agenda (Items below are action items)

8.A Approval of meeting minutes for August 13, 2024, and September 3, 2024 - Krystal Garcia, City Clerk

Council Member Aurora Garza motioned to approve, seconded by Council Member Sonia Hernandez. The vote in favor of the motion was unanimous.

9. **New Business (Items below are action items)**

- 9.A Discuss and Consider Ordinance No. 2024-09 -01, an ordinance Establishing the Tax Rate and Levy for the City of Pearsall for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025 - **Fred Reyes, City Manager**

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Aurora Garza. Fred Reyes, City Manager stated the tax rate has not changed for 3-4 years. The vote in favor of the motion was unanimous.

- 9.B Discuss and Consider Ordinance No. 2024-09-02, an Ordinance Adopting the City of Pearsall's Appropriations Budget for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025 - **Fred Reyes, City Manager**

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Treviño. Fred Reyes, City Manager informed the council the only change to the budget was to the Fire Fund. The Fire Department received \$145,000 from the ESD #1 and \$10,000 from the City for incentives. He reviewed the additional duties/titles give to his staff. Krystal Garcia – City Clerk/Flood Plain Manager; Bianca Ramirez – Public Information Officer/Economic Development Specialist; Cano Escquivel Code Enforcement Officer/Fire Marshal. Council Member Ramiro Trevino stated that with extra duties, more demands are needed. He asked if the Fire Marshal would only service the city. Mr. Reyes stated that inquiry goes with future discussions with the ACO and other services. The vote in favor of the motion was unanimous.

- 9.C Discuss and consider Ordinance No. 2024-09-03, an ordinance repealing Ordinance No. 2018-11-02 related to requiring a business license - **Krystal Garcia, City Clerk**

Council Member Sonia Hernandez motioned to approve, seconded by Council Member Brenda Treviño. Krystal Garcia, City Clerk informed the council the business license programs lacks structure and enforcement. She recommended the council repeal the ordinance as the program does not contribute any revenue to the city budget. The vote in favor of the motion was unanimous.

- 9.D Discuss and consider Resolution No. 2024-09-01, approving the City of Pearsall and Camino Real Community Room Agreement -**Yolanda Moran, Assistant City Manager/ Community Development Director**

Council Member Brenda Treviño motioned to move Item 9D after Staff Reports, seconded by Council Member Sonia Hernandez. Anna Zamora was present to speak with the council regarding the services offered by Camino Real. She informed the Council Camino Real has hired more staff but has limited clinical space. Council Member Ramiro Trevino asked if group settings would expose library patrons to any danger. Mrs. Zamora stated no because the clients in the setting are not just severe mentally ill individuals. The vote in favor of the motion was unanimous.

10. **Executive Session - In Accordance with Texas Government Code Chapter 551, Subchapter D:**

Mayor Ben T. Briscoe called the Council into Executive Session at 8:22 PM.

The City Council of the City of Pearsall may at any time during the meeting close the meeting and hold an executive session pursuant to the Texas Open Meetings Act codified as Chapter 551, Texas Government Code which permits closed meetings pursuant to Section 551.071 for purpose of consulting with its attorneys; Section 551.072, deliberating about real property; Section 551.073, deliberating about gifts, and donations; Section 551.074, deliberating about personnel matters; Section 551.076, deliberating about security devices; Section 551.084, regarding exclusion of witness from witness in connection with an investigation; Section 551.086, deliberating about test items to discuss and/or deliberate any of the posted matters to be considered during the open meeting. If it does go into Executive Session, the City Council may deliberate in executive session, then reconvene in open session, vote on the matter in open session, and announce it for the City Council minutes.

10.A Pursuant to Texas Government Code section 551.072, deliberate the purchase, exchange, lease, and/or value of real property - approximately 2.77 acres of land, and any improvements thereon, located at 311 E. Hackberry Pearsall, Frio County, Texas 78061

10.B Legal consultation with City Attorney regarding a 17.42-acre tract of land situated in the Torres Irrigation & Manufacturing Co. Survey 734 416 3/4 T I&M CO Frio County, Texas

11. Open Session (Items below are action items)

Mayor Ben T. Briscoe called the council back into Open Session at 8:42 PM and announced no action was taken in Executive Session.

11.A Consideration and Possible Action regarding a Resolution approving the Real Estate Donation Agreement Between the City of Pearsall and the Board of Trustees of the Pearsall Independent School District for the Donation of City- Owned Real Property to the School District (including the determination that the donation is for educational public purposes), and the delegation of authority to the City Manager/Mayor to execute the agreement and any closing document on behalf of the City, related to the following City-owned property described as:

Approximately 2.77 acres of land, and any improvements thereon, located at 311 E. Hackberry Pearsall, Frio County, Texas 78061, and described in deed recorded in Volume 245, Page 380 of the Frio County Deed Record; the Property more particularly described as follows:

Tract 1: Lots 3, 4, and 5, Block 29 of the City of Pearsall, Frio County, Texas.

Tract 2: Being 2.755 acres of land, more or less, in the City of Pearsall, Frio County, Texas, and being out of the PABLO ORTIZ SURVEY NO. 1411, Abstract No. 530.

Council Member Sonia Hernandez motioned to proceed as discussed in Executive Session, Seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

11.B Discuss and consider action regarding a 17.42-acre tract of land situated in the Torres Irrigation & Manufacturing Co. Survey 734 416 3/4 T I&M CO Frio County, Texas

Council Member Sonia Hernandez motioned to direct the City Manager and City Attorney to proceed as discussed in Executive Session, Seconded by Council Member Racheal Garza. The vote in favor of the motion was unanimous.

12. Review of Bills Paid

12.A August Bills Paid

Council did not have questions regarding the August 2024 bills.

13. General Announcements

Fred Reyes, City Manager announced the Chamber of Pearsall's grand opening details and reminded the council of the special meeting set for September 24, 2024.

14. Adjournment

Council Member Racheal Garza motioned to adjourn the meeting at 8:36 PM, seconded by Council Member Brenda Trevino. The vote in favor of the motion was unanimous.

Approved this October 8, 2024



Ben T. Briscoe, Mayor

ATTEST:



Krystal Garcia, City Clerk